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SUBJECT: Donors Press NEC on Outstanding Issues Threatening to Delay Elections

11. (SBU) Summary: At the February 18 National Elections Commission (NEC) Policy Committee meeting, donors pressed the for answers on a host of issues threatening to delay the April elections, including planning and funding for the transportation of elections materials, clarification on the number of polling stations, an assessment of the accuracy of the voter roll, and accreditation of domestic observers. The DCM attended the February 18 meeting with the USAID Deputy Mission director. At a follow up technical session on February 19, attended by the USAID Elections Advisor, UNMIS and UNDP provided an estimate of transportation costs totaling approximately USD 43.8 million; however, the funding question remained unresolved. At the meeting, the NEC committed to ensure that all planes arriving in Khartoum with electoral materials will receive the clearances required to land. Electoral experts are concerned that the delays in logistical planning will necessitate a delay of one to two weeks in the start of polling. End Summary.

12. (SBU) The National Elections Commission Policy Committee, comprised of NEC and Government of Sudan officials, the Government of Southern Sudan, international technical experts, and donors, met on February 18 in a three hour session. This was the first meeting in approximately two months; the meeting was originally scheduled for late January. The main issue for discussion was the transportation of electoral materials from Khartoum and Juba to polling stations. Three key components to transportation must be addressed: timing, NEC capacity, and funding. The NEC said it understood that transportation was a key issue that would make or break the elections, and asked donors for funding as well as technical assistance. The NEC estimated that USD7.5 million would be required to cover the cost of the transportation of materials. NEC did not respond to questions from donors about whether it has requested funding from the Ministry of Finance, but urgently requested that the donors transfer Basket Fund money that was not spent on voter registration to pay for these transportation costs. (Note: The United States does not contribute to the Basket Fund. End Note.)

13. (SBU) Donors responded with strong statements, affirming their continued commitment to holding all elections (legislative and executive) in April according to the current electoral calendar, and expressing serious concern that the transportation issue, first raised by donors several months ago, remains unresolved less than two months before polling begins. They noted that, in the budget agreed to by NEC and donors in September 2009, the Basket Fund donors agreed to fund only a portion of the cost of transportation, with the remainder to be covered by funding transferred to NEC by the Government of National Unity for transportation. Furthermore, inadequate expense statements provided to donors by NEC to date indicate that only 20 percent of that allocation has been spent. The NEC responded that its budget left transportation from Khartoum and Juba to state capitals unfunded, and that the GNU has agreed to pay only for transportation of materials from state capitals to

constituencies. Donors reminded the NEC that donors have been asking for an operational plan for transportation since August 2009, but have still not received one.

¶4. (SBU) The DCM, seconding a point made by the European Union representative, urged the NEC to finalize as soon as possible a detailed operational plan for transportation of electoral materials. He noted that, regardless of who will ultimately pay for the cost of transportation, it was essential that the NEC, with assistance from the international experts, develop a workable operational plan immediately. The operational plan must include provisions for the speedy entry of imported electoral materials unhindered by customs or tax procedures.

¶5. (SBU) In response to concerns about budgetary issues, the NEC proposed a technical meeting on February 19 to discuss transportation see paras 11-12).

Late Ballot Specs, Late Ballot Arrival

¶6. (SBU) The meeting then moved to other agenda items. The UNDP representative expressed concern that the NEC had not yet fulfilled its obligation to provide ballot specifications; as a result, the UNDP had missed the deadline for finalizing a purchase order, and ballots would not arrive by March 15 as planned. The NEC promised final specifications within two days, but the UNDP cautioned that this timeline and any additional delay would leave less and less time for dissemination of the ballots to the polling places. (Note: As of February 21, NEC had not yet provided the necessary specs. End Note.) Donors told the NEC that they had heard that some ballot

papers, notably those for the Presidency of Southern Sudan, had already begun to be printed locally, despite the fact that specifications had not yet been finalized. NEC denied these reports. Donors cautioned that local printing of ballots without adequate provision for observation of the process threatened the transparency of the process.

No Independent Review of Voter Rolls

¶7. (SBU) Donors noted that the NEC had still not conducted a previously-promised internal review of the voter roll, nor had NEC allowed an independent audit proposed on December 14, 2009, by USAID partner IFES. Donors urged an independent audit to assess the quality and accuracy of the voter roll to enable the NEC to respond to criticism and increase its credibility about the registration process, while providing NEC and other bodies (e.g. referendum commissions) the opportunity to improve the process in the future.

Accreditation of Domestic Observers

¶8. (SBU) Donors asked the NEC for an update on the rules and regulations for accreditation of election observers. The NEC responded that printing of forms for domestic observers had started and that it expected to call domestic observers on or about February 27 to collect the forms. (Note: USAID partner IFES was asked by NEC to print the rules and regulations and code of conduct for observation, as well as some of the forms, but has not received final versions to send for printing. End Note.) At the same time, the NEC waffled over whether an update to the existing regulations is forthcoming or whether the old regulations stand. The USAID and UNDP representatives noted that existing regulations, released in late 2009, include a number of provisions that will hinder the ability of domestic groups to observe the elections. Of particular concern are provisions that require domestic observers to submit copies of identification documents and photographs; many people in rural Sudan, particularly in the South, do not possess identity cards nor do they have places where they can get photographs taken. Moreover, the centralization of the accreditation process is problematic in light of the limited time remaining before polling begins. The NEC responded that the accreditation requirements would

not be changed, suggesting that anyone who can understand how to observer elections should have appropriate documentation.

GOSS: Insufficient Polling Stations for the South

¶9. (SBU) The representative of the Government of Southern Sudan (GOSS) expressed concern that there would not be a sufficient number of polling stations in the South to ensure that everyone who wanted to vote would be able to do so. The USAID representative asked the NEC to clarify the number of polling stations, noting that the NEC and its international advisors had jointly decided on approximately 21,000 polling stations nationwide, a number that was confirmed by President Bashir during his recent meeting with President Carter. However, NEC cable number 66, dated February 14, instructed State High Committees to set up polling stations to accommodate a minimum of 1,000 voters in the South and 1,200 voters in the North, for a total of approximately 14,500 polling stations. Procurement of some electoral materials has already begun, with orders based on the higher number of polling stations. In the case of polling kits, procured by USAID partner IFES, an additional USD 1.5 million was spent to purchase kits that now appeared not to be needed. Furthermore, a reduction in the number of polling stations could disenfranchise a significant number of voters unable to travel the distance necessary to reach a polling station. In addition, the increased number of voters served per polling station could result in long lines of voters at polling stations with insufficient staff in place to maintain crowd control. NEC did not respond to the USAID representative's points.

Transport Issue Clarified, Not Resolved

¶10. (SBU) On February 19, the NEC, international technical advisors from UNMIS, UNDP, and IFES, the USAID Elections Advisor, and two representatives from the Basket Fund donors met to discuss in greater detail the transportation of electoral materials. The Basket Fund representatives emphasized that they would not make any

decisions regarding whether or how to fund the transportation of electoral materials until the NEC provided a full report of expenses to date according to a format provided by the Basket Fund donors to the NEC following the February 18 Policy Committee meeting. To assist the NEC in preparing the report, NEC, UNMIS and UNDP financial advisors met on February 20 to prepare the requested expense report. UNMIS reminded meeting participants that the funding issue must be resolved by Sunday so a contract (through UNDP) can be issued on Monday for transportation of materials from Khartoum and Juba to state capitals, noting that if the contract is not signed on Monday, materials will not arrive in time for polling.

¶11. (SBU) According to UNMIS and UNDP estimates, the total cost of transportation of materials from Khartoum/Juba to polling stations will be approximately USD 43,791,000. This figure is comprised of two components. 1) A revised estimate from UNDP for the transportation of electoral materials from Khartoum/Juba to state capitals totals approximately USD 5.5 million. 2) UNMIS estimated the cost to rent four cars per geographic constituency for 30 days for the purpose of transporting electoral materials from state capitals to constituencies to polling stations would cost approximately USD 38,291,000.

¶12. (SBU) Comment: Despite differing views on how to solve a range of serious problems, donors, technical advisors, and the NEC are agreed on the urgency of their working together to find solutions. Nevertheless, there are significant hurdles to overcome in the short time remaining before polling begins. International electoral experts are concerned that the delays in logistical planning could necessitate a delay of one to two weeks in the start of polling if these problems are not resolved.

ASQUINO